

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

GREATER ST. LOUIS CONSTRUCTION)
LABORERS WELFARE FUND, et al.,)
)
Plaintiffs,) Cause No.: 4:10-cv-00317-TCM
v.)
)
)
)
KODIAK CONCRETE CONSTRUCTION, LLC,)
)
Defendant.)

ORDER

This is an action to collect delinquent fringe benefit contributions pursuant to Section 301 of the Labor Management Relations Act of 1947, as amended, 29 U.S.C. §185, and pursuant to Section 502 of the Employee Retirement Income Security Act of 1974, as amended, 29 U.S.C. §1132. Defendant was served with the summons and complaint on February 25, 2010, and has not filed an answer or otherwise entered his appearance. Pursuant to Rule 55(b)(2) of the Federal Rules of Civil Procedure, plaintiffs have moved this Court for an order compelling defendant to submit to a financial compliance examination so that plaintiffs can determine the amounts allegedly owed.

Plaintiffs have established that defendant is bound by a collective bargaining agreement with Laborers Local Unions 42-53-110. This agreement requires defendant to submit contributions to the Laborers Funds, and authorizes plaintiffs to examine the financial records of defendant to ascertain whether the required contributions were made. The only way in which plaintiffs can determine the amount owed is through such financial compliance examination.

WHEREFORE, defendant is hereby ordered to provide to plaintiffs within thirty (30) days of the date of this Order all of its books, ledgers, payroll records, cash disbursement ledgers, bank

statements and other documents reflecting or pertaining to all hours worked by and wages paid to defendant's employees since September 24, 2009.

The Court reserves jurisdiction to make such further orders and grant such additional relief, including but not limited to the entry of partial and final judgments, as it deems appropriate.

SO ORDERED:

Jean C Hamilton
UNITED STATES DISTRICT JUDGE

DATE: 3/23/10